United Nations S/PV.5121

Security Council

Sixtieth year

Provisional

5121st meeting

Tuesday, 15 February 2005, 10 a.m.

New York

President:	Mr. Adechi	(Benin)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. D'Alotto
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Fendrick

Agenda

Election of a member of the International Court of Justice (S/2005/50, S/2005/51 and S/2005/52)

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05-23755 (E)

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

Election of a member of the International Court of Justice (S/2005/50, S/2005/51, S/2005/52)

The President (*spoke in French*): I should like to recall that at its 5070th meeting, on 4 November 2004, the Security Council adopted resolution 1571 (2004), by which it decided that the election to fill the vacancy in the International Court of Justice should take place on 15 February 2005 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-ninth session.

This morning, the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling the vacancy which occurred on 11 February 2005 owing to the resignation of Judge and former President of the Court, Mr. Gilbert Guillaume of France.

The Security Council has before it the following documents: S/2005/50, which contains the nomination of a candidate by national groups of States parties to the Statute of the International Court of Justice; and S/2005/52, which contains the curriculum vitae of the candidate.

I should like to inform the Council that, after the expiration of the deadline for submission of nominations, the Secretariat has been informed that the German, Honduran, Italian, Polish, Romanian, Swiss and Uruguayan national groups nominated Mr. Ronny Abraham as a candidate.

The Security Council also has before it a memorandum by the Secretary-General, contained in document S/2005/51, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

Article 15 of the Statute of the Court provides that

> "A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."

Accordingly, the member elected to fill the remainder of the term left vacant by the resignation of Judge Gilbert Guillaume will serve until 5 February 2009.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the name of the candidate. No withdrawal will be accepted once the ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the box next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper.

I should like to remind members of paragraph 15 of the Secretary-General's memorandum (S/2005/51), which specifies that "Each elector may vote for only one candidate". Any ballot paper containing votes for more than one name will be considered invalid. When a candidate has obtained the required majority of votes, I shall communicate the result to the President of the General Assembly, and I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations, excluding Benin, which presides in February, to serve as tellers.

* * *

The President (*spoke in French*): The names of the delegations of Denmark and Romania have been drawn. I request them to appoint one of their members to serve as teller.

At the invitation of the President, Mr. Christensen (Denmark) and Mr. Onisii (Romania) acted as tellers.

The President (*spoke in French*): May I take it that the Council is now ready to proceed with the

election of a member for the International Court of Justice?

It is so decided.

I request the conference officer to distribute the ballot papers.

Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

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The President (*spoke in French*): Now that all members of the Council have voted, I ask the conference officer to collect the ballot papers.

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The President (*spoke in French*): All the ballot papers have been collected. I should like to remind the members of the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. The Council will remain in session pending receipt of that information.

* * *

The President (*spoke in French*): I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultation, there will be two independent countings of the ballots, one by each teller.

* * *

The President (*spoke in French*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Ronny Abraham	15

Accordingly, Mr. Ronny Abraham has obtained the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing.

I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The President (*spoke in French*): I should like to inform the members of the Council that I have just received from the President of the General Assembly a letter, which reads, in part, as follows:

> "I have the honour to inform you that, at the 81st plenary meeting of the General Assembly, held today for the purpose of electing one member of the International Court of Justice, Mr. Ronny Abraham obtained an absolute majority of votes in the General Assembly."

As both the Security Council and the General Assembly have agreed on the candidate, the distinguished jurist Mr. Ronny Abraham has been elected as a member of the International Court of Justice for the remainder of the term of office of Judge Guillaume, that is, until 5 February 2009.

I should like to congratulate him and to wish him every success in the high office to which he has been elected.

I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 12.10 p.m.